

**MINUTES OF THE
WV CONSOLIDATED PUBLIC RETIREMENT BOARD
BOARD OF TRUSTEES MEETING
MEETING OF JULY 14, 2021**

A meeting of the West Virginia Consolidated Public Retirement Board Board of Trustees (“CPRB”), Board of Trustees, was held on Wednesday, July 14, 2021 in the David L. Wyant Conference Room at 4101 MacCorkle Avenue, Charleston, West Virginia, 25302. *Due notice had been posted.*

Call to Order

The meeting was called to order at 10:03 a.m. by Joseph G. Bunn, Chair.

Roll Call:

Trustees participating:

Joseph G. Bunn, Chair

Ann Urling, *representing Governor James C. Justice, II*

Jeff Waybright, *representing State Auditor John B. McCuskey*

Sarah Canterbury, Esquire, *representing State Treasurer Riley Moore (Via Teams)*

Cabinet Secretary Allan L. McVey

Bill Barker

Rhonda Bolyard

Michael Haney

Mike McKown *(via conference call)*

David Nelson

Reginald Patterson

Jeffrey Vallet

Trustees absent:

Andy Bird

Joe Lynch

D. Todd Murray

A quorum was present.

Others present:

Jeffrey E. Fleck, CPRB Executive Director

Terasa Miller, CPRB Deputy Director

Nancy Butcher, CPRB Executive Assistant

Jeanee Legato, CPRB General Counsel

Ken Woodson, CPRB Actuary

Patricia Bowgren, CPRB IT Staff
Alysia Miller, CPRB Paralegal
Tanner Mann, CPRB Actuarial Analyst Trainee
John Galloway, CPRB Chief Financial Officer
John Beane, CPRB Chief Technology Officer
Tim Abraham, CPRB Compliance Officer
Ashley Knapp, CPRB Death/Refunds Staff
Alyssa Cooper, CPRB TRS Retirement Advisor
David Houston, CPRB Uniform Services Retirement Advisor
Tara Spruce, CPRB Receptionist
Jennifer Scarbro, CPRB Receptionist
Michael Ciarochi, CPRB Accounting Section
Craig Slaughter, Investment Officer, WVIMB
Chris Meadows, Empower
Ronda Harvey, Esquire, Bowles Rice
Gary Pullin, CPRB Hearing Officer
Chester Wojcik, Retiree

Tab 1: Approval of the May 19, 2021 Minutes

Mr. McVey made a motion that the Board approve the minutes of the May 19, 2021 meeting of the Board. The motion was seconded by Mr. Waybright. The motion was adopted.

The minutes were located behind Tab #1 of the Board materials.

Tab 2: Report of the Executive Director

Mr. Jeffrey Fleck, Executive Director, gave his report to the Board which included the following information:

1. *Introduction of New CPRB Staff* – Mr. Fleck stated that prior to the COVID-19 Pandemic, new staff members were encouraged to attend a board meeting to become aware of what the Board does. This being the first board meeting with staff back in the building, several new staff members were in attendance. Those attending were David Houston – Uniform Services Retirement Advisor, Alyssa Cooper – TRS Retirement Advisor, Jennifer Scarbro – Receptionist, Tara Spruce – Receptionist and Ashley Knapp – Deaths/Refunds Section member. He also mentioned new staff members that were not in attendance at the meeting. Those staff members were Haley Perry – Uniform Services Retirement Advisor, Jamie Huff – TRS Retirement Advisor, Amber Derrick – Retiree Payroll, Jordan Hannah – Customer Service Representative, Alyssa Eads - Customer Service Representative and Ethan Strickland – Mail Runner.
2. *CPRB Metric Chart* - Mr. Fleck said that the retirement section had processed over 150 retirement applications since July 1st. He went on to say that this year, there were fewer than

800 July 1st retirement applications. He added that statistics for benefits estimates as well as death and refund applications were included in the Metric Chart.

3. *TDC Statistics* - He reported that the Plan had 3,922 participants and its assets were \$697,693,256.
4. *Delinquent Employers* – Director Fleck stated that Green Acres continues to reimburse according to its agreement. He added that the City of Shinnston had been sent a certified letter regarding their delinquencies for their May 2021 contributions.
5. *Dependent Child Scholarship Policy Update* – Mr. Fleck explained that the Dependent Child Scholarship policy had not been updated since 2016 and needed updates to include the existence of the Natural Resources Police Officers Retirement System in the policy and an update of the scholarship amount for the Emergency Medical Services Retirement System. He recommended the Board adopt the changes.

Mr. Waybright made a motion to adopt the changes to the Dependent Child Scholarship Policy as explained by Mr. Fleck. Mr. Haney seconded the motion. The motion was adopted.

6. *InRule Technologies Contract Renewal* – Mr. Fleck informed the Board that the contract for InRule Technologies required renewal. He said this contract concerns maintenance and support of the COMPASS Rules Engine Software. He added that the amount of the renewal was \$71,400.00 for the year and recommended that the Board renew such contract.

Mr. Vallet made a motion that the Board renew the InRule Technologies contract for one year in the amount of \$71,400.00. Mr. Barker seconded the motion. The motion was adopted.

7. *June Financials* – Mr. Fleck stated that the June financials showed that the agency was at 67.79 percent of its YTD Actual budget.
8. *Department of Administration Employee of the Month* - Director Fleck recognized Alysia Miller, CPRB Paralegal, as being chosen as the Department of Administration’s Employee of the Month for July. He added that Alysia had been employed at the CPRB for 10 years and that she was a valued employee. He also said that an article in the DOA’s Notes, Quotes & Anecdotes about Alysia had been included in the Board materials.
9. *Public Pension Standards Award for Funding and Administration 2020* – Mr. Fleck stated that the Public Pension Coordinating Council had awarded the CPRB the “Public Pension Standards Award for Funding and Administration 2020” in recognition of meeting professional standards for plan funding and administration as set forth in the Public Pension Standards.
10. *CPRB 30th Anniversary* – Director Fleck stated that the CPRB is celebrating its 30th Anniversary this month having been created by the Legislature in 1991.
11. *Charleston Gazette Article* – Mr. Fleck stated that an article in the Charleston Gazette on July 7, 2021 reported that WV ranks 2nd in U.S. for Public Pensions. He credited the WVIMB for the excellent ranking.

12. *Google Transition* – Director Fleck informed the Board that the Department of Administration would begin the transition from Microsoft to Google on Monday, July 19th. He also stated that e-mail for the CPRB would look different and cautioned that some e-mails might be thrown into “trash” or “scam” folders with some e-mail providers.

13. *Legislative Lunch & Learn* – Secretary McVey commented that the July 2021 issue of Notes, Quotes and Anecdotes contained a photo of Director Fleck and Deputy Director Miller with “Bill” from Schoolhouse Rock that was taken during the 2021 CPRB Legislative Lunch & Learn.

The Report of the Executive Director was located behind Tab #2 of the Board Materials.

Chairman Notes

Chairman Bunn announced the resignation of Joe Lynch, who represented the Emergency Medical Services Retirement System on the Board of Trustees. Mr. Bunn stated that Mr. Lynch was retiring from the Kanawha County Emergency Medical Services on July 16, 2021, after 42 years of service. He added that Mr. Lynch’s contributions and participation on the CPRB Board of Trustees were greatly appreciated and that he would be missed.

Chairman Bunn announced the appointment of Bill Barker to the CPRB Disability Review Committee, effective immediately. Mr. Barker would be replacing Mr. Lynch on that committee.

Tab #3: Plans Investment Data

Chairman Bunn recognized Craig Slaughter, Executive Director of the West Virginia Investment Management Board (WVIMB). Mr. Slaughter reviewed the Plan’s Investment Returns Preliminary Report for the period ending May 31, 2021. He reported that investment returns were up 2.2 percent for the month, 7.95 percent for the quarter, 28.1 percent for the FYTD and 32.8 percent for the year. He also noted that the Participant Plans Allocation & Performance Net of Fees information was included in the Board materials. He then answered questions from the members.

Chris Meadows of Empower Retirement gave an update on the TDC Outreach and Reality Investing. Mr. Meadows’ counselling sessions continue to be virtual due to the COVID-19 Pandemic and totaled 692 for the first half of the year. Mr. Meadows also reported that a “Stay On Track For Retirement” post card had been mailed to all the TDC participants as well as the TDC Summer Newsletter.

Mr. Meadows also updated the Board on the TDC Investment Data. He reported that the U. S. and other economies are showing solid growth and that the investment funds are performing well.

The Plans Investment Data reports, TDC Educational Meeting reports, TDC Outreach materials and the TDC Investment Report were located behind Tab #3 of the Board materials.

Tab #4: Consideration to Appeal of Hearing Officer Pullin

Hearing Officer Pullin reviewed the appeal of **Chester Wojcik**, a participant of the Public

Employees Retirement System (PERS). The issue before the Board was whether Mr. Wojcik, was entitled to a return of the personal contributions, plus statutory interest, he made to PERS while employed by the Offices of the Insurance Commissioner from 2009 until 2020.

Based upon the Findings of Fact and Conclusions of Law, Hearing Officer Pullin recommended that Mr. Wojcik's appeal of the Board's decision to deny his request to opt out of PERS and receive a return of the contributions he made to PERS be granted. Mr. Pullin also recommended that the Board correct the errors it made in the matter by taking such action under WV Code §5-10-44 that would allow Mr. Wojcik to revoke his election to participate in PERS and grant his request to opt out of PERS and stop contributing to PERS pursuant to his initial request in 2010. He further recommended that pursuant to WV Code §5-10-44 that the Board correct its error of continuing to require Mr. Wojcik to make contributions to PERS until his retirement by returning to Mr. Wojcik's PERS employer for payment as wages the amount of contributions he made to PERS plus statutory interest which has been determined to be \$25,294.62.

Mr. Pullin then answered questions from the Board members.

Mr. Waybright made a motion that the Board adopt the recommendation of the Hearing Officer and approve the appeal of Chester J. Wojcik. Mr. Barker seconded the motion.

After discussion on the matter,

Mr. Vallet made a motion to amend the Hearing Officer's Recommended Decision to be consistent with the holding in McDaniel v. Duffield, 138 S.E. 2nd 351, 149 W. Va. 19 and approve the appeal. Mr. Waybright seconded the motion. The motion was adopted.

On the motion by Mr. Waybright, seconded by Mr. Barker to adopt the recommendation of the Hearing Officer, as amended, the motion was adopted.

The report of the Hearing Officer was located behind Tab #5 of the Board materials.

Executive Session

Chairman Bunn announced he would entertain a motion to go into Executive Session to discuss legal matters.

Mr. Vallet made a motion that the Board go into Executive Session to discuss legal matters as allowed by West Virginia Code §6-9A-4. The motion was seconded by Mr. Haney. The motion was adopted.

The Board went into Executive Session at 10:55 a.m.

Chairman Bunn reconvened the Public Session of the July 14, 2021, meeting of the CPRB Board of Trustees meeting from Executive Session at 11:20 a.m. He announced the Board was in Executive Session to discuss legal matters as allowed by West Virginia Code §6-9A-4 and that no decisions were made during Executive Session.

Tab #5: Legal Counsel Reports

Report of In-House Legal Counsel – Jeaneen Legato

Jeaneen Legato, In-House Legal Counsel, presented her report to the Board on all pending legal matters. She reported on all current Administrative, Circuit Court and Supreme Court cases.

Report from Outside Legal Counsel – Ronda Harvey

Ms. Harvey updated the Board on matters still pending in the Circuit Courts of West Virginia and other administrative matters. Ms. Harvey also reported that the DNR subsistence allowance case was heard by the West Virginia Supreme Court of Appeals on April 13, 2021 and that the Court had issued a decision on June 14, 2021, ruling in part for the CPRB, in part for the Respondents and remanding in part back to the Circuit Court for further proceedings.

The reports of the In-House and Outside Legal Counsel were located behind Tab #4 of the Board materials.

Tab #6: Committee Reports

Accounting & Audit Committee – Jeff Waybright

Mr. Bunn recognized Mr. Waybright, Chair of the Accounting & Audit Committee. Mr. Waybright reported that the Accounting & Audit Committee met on Tuesday, July 13, 2021. He said that John Galloway, CPRB Chief Financial Officer, presented the proposed Administrative Cost Allocation/Recovery policy and that Mr. Galloway would explain the policy to the Board. After discussion about the policy, Mr. Waybright stated that the Committee was recommending that the Board approve the policy as presented.

Mr. McVey made a motion that the Board approve the Administrative Cost Allocation/Recover policy as recommended by the Accounting & Audit Committee. Mr. Vallet seconded the motion. The motion was adopted.

Disability Review Committee – Jeff Waybright

Mr. Bunn recognized Mr. Waybright, Acting Chair of the Disability Review Committee. Mr. Waybright reported that the Disability Committee met on Tuesday, July 13, 2021 via telephone conference call and the Disability Committee approved the staff’s recommendations of disability retirement applications and made the following recommendations to the Board for their approval:

System	Approved	Denied	Total
DSRS	1-Total Duty	0	1-Total Duty
EMSRS	0	1 – Total Non-Duty	1 – Total Non-Duty
PERS	6	2	8
SP – Plan B	0	1 – Denied Total Duty but approved Partial Duty	1
TDC	1	0	1
TRS	5	0	5
TOTALS	13	4	17

Mr. Vallet made a motion that the Board accept and approve the Disability Committee's recommendations concerning the disability retirement applications. The motion was seconded by Mr. Haney. The motion to accept and approve the recommendations was adopted.

Tab #7: Old Business

Having voted on the prevailing side, **Mr. Patterson made a motion to reconsider the motion to the appointment of Terasa L. Miller – PERS, Tony Lautar, Jr. – TRS, David M. Nelson – State Police Plan A, James Gregory Baker – State Police Plan B, David D. Gentry – DSRS and Robert A. Ford – EMSRS to be representatives of the Investment Management Board. Mr. McVey seconded the motion. The motion was adopted.**

After discussion of the appointment of representatives,

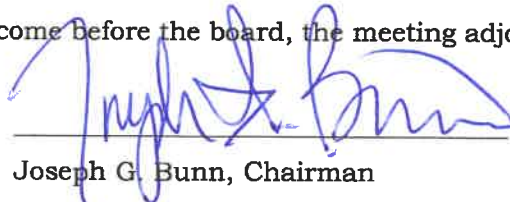
Mr. Patterson made a motion to appoint Terasa L. Miller – PERS, Tony Lautar, Jr. – TRS, David M. Nelson – State Police Plan A, Jeffery S. Chumley – State Police Plan B, David D. Gentry – DSRS and Robert A. Ford – EMSRS to be representatives of the Investment Management Board. Mr. McVey seconded the motion. The motion was adopted.

Tab #8: New Business

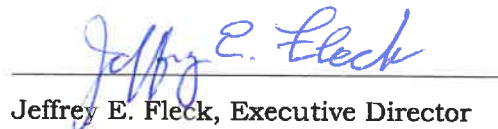
Chairman Bunn inquired as to any new business to come before the Board. None was heard.

Adjournment

There being no further business to come before the board, the meeting adjourned at 11:45 a.m.



Joseph G. Bunn, Chairman
Consolidated Public Retirement Board



Jeffrey E. Fleck, Executive Director
Consolidated Public Retirement Board